IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

Crl.MC.No. 844 of 2007()

CC.934/2006 of JUDL.MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA

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PETITIONER: 2ND ACCUSED.

RANAJITH K.R., AGED 40 YEARS,
S/O. RAVI, KUZHIKATTIL HOUSE, AZHOOR,
PATHANAMTHITTA.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 22/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 844 of 2007

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Dated this the 22nd day of March, 2007

O R D E R

The petitioner faces indictment in a prosecution, inter alia, under Sections 420 and 468 I.P.C. The case was registered as early as in 2004. The same is now refiled as C.C.934 of 2006. The co-accused has already been found not guilty and acquitted. The petitioner was once released on bail earlier. But he did not appear before the learned Magistrate on 4.11.2006. He therefore finds a non-bailable warrant issued by the learned Magistrate to procure his presence chasing him. According to him, he is seriously ill and that is why he could not earlier appear before the learned Magistrate. The petitioner is now willing to appear before the learned Magistrate. But he apprehends that in the light of his earlier conduct if not properly appreciated, his application for bail may not be considered by the learned Magistrate in accordance with law and he may be remanded to custody. It is in these circumstances prayed that appropriate directions may be issued to the learned Magistrate to release the petitioner on bail on the date of surrender itself.

2. It is certainly for the petitioner to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which he could not earlier appear before the learned Magistrate. I have no reason to assume that the learned Magistrate would not consider the application for bail on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued by this Court in the decision in **Alice George** v. **Dy.S.P. of Police** (2003 (1) KLT 339).

3. This Crl.M.C. is accordingly dismissed, but subject to the above observations/directions. I may hasten to observe that if the petitioner appears before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass orders on merits, in accordance with law and expeditiously - on the date of surrender itself, unless there are compelling reasons.

(R. BASANT)
Judge

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